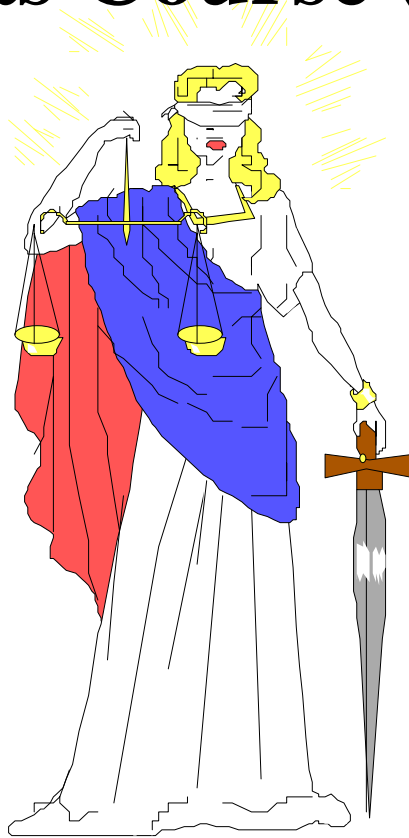
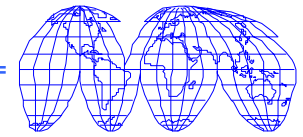


Security Assistance Management Overseas Course (SAM-O)



Human Rights Awareness



OBJECTIVES

- **Survey international law**
- **Summarize U.S. policy**
- **Relate to security assistance**
- **Relate to role of SA manager**



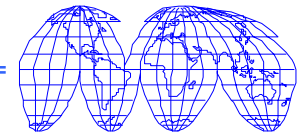
INTERNATIONAL LAW

“The Bottom Line”

- **To promote and encourage**

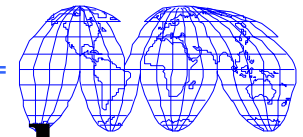
**“respect for human rights and for
fundamental freedoms for all”**

-----Article 1, UN charter



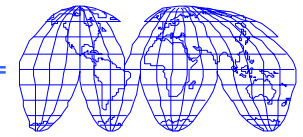
U.S. Policy on Human Rights

- **“A principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.”**
- **22 U.S.C.A. 2304(a)(1); Section 502B of the Foreign Assistance Act of 1961**



SECURITY ASSISTANCE and HUMAN RIGHTS

- **“...[N]o security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.”**
- **22 U.S.C.A. 2304(a)(2); Section 502B of the Foreign Assistance Act of 1961**



ROLE OF THE SECURITY ASSISTANCE MANAGER

- **Recognizing violations**
- **Reporting violations**
- **Avoiding identification of US govt with violations**
- **Educating counterparts**



KEY CONCEPTS

- **“human rights and fundamental freedoms”**
- **“internationally recognized human rights”**
- **“gross violations of human rights”**



IDEAS ABOUT HUMAN RIGHTS

- **Religion**
- **Political theory**
- **Classification(s)**



ATTEMPTS AT DEFINITION

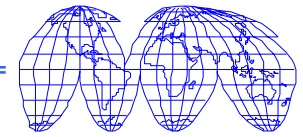
- **“...all Men are created equal, ...they are endowed by their creator with certain unalienable rights. . . .”**

– **Thomas Jefferson 1776**



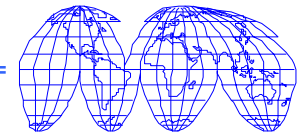
ATTEMPTS AT DEFINITION

- **“...those rights which are inherent in our nature and without which we cannot live as human beings.”**
 - **United Nations Department of Public Information 1987**



CLASSIFYING HUMAN RIGHTS

- **Integrity of the person**
- **Civil & political liberties**
- **Social & economic needs**



CLASSIFYING HUMAN RIGHTS

- **First Generation**
 - political & civil
- **Second Generation**
 - social, economic & cultural
- **Third Generation**
 - development & access to resources



INTERNATIONAL LAW

- **Traditional doctrines**
 - **State sovereignty**
 - **State responsibility to aliens**
 - **Humanitarian intervention**
 - **Humanitarian law**



HUMANITARIAN LAW

- **Geneva Conventions and international conflicts**
- **Geneva Conventions and internal conflicts:**
 - **Common Article 3**
- **Protocols I & II**



INTERNATIONAL LAW

- **Modern developments**
 - **UN Charter**
 - **International Bill of Rights**
 - **International criminal tribunals**
 - **Proliferation of human rights treaties**
 - **Regional systems**



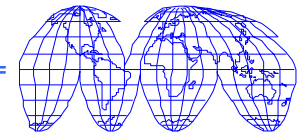
UN CHARTER EFFECTS

- **Human rights “internationalized”**
- **UN authorized to define human rights**
- **UN may act to protect human rights**



INTERNATIONAL BILL of HUMAN RIGHTS

- **UN Charter**
- **Universal Declaration of Human Rights**
- **Int'l Covenants on Human Rights**
- **Optional Protocol to Covenant on Civil and Political Rights**



UN CHARTER - ARTICLES 55 & 56

- “. . . the United Nations shall promote:
. . . universal respect for, and observance of,
human rights and fundamental freedoms for
all without distinction as to race, sex,
language or religion.”**

**“All Members pledge themselves to take
joint and separate action . . . for the
achievement of [this] purpos[e]. . . .”**



UNIVERSAL DECLARATION of HUMAN RIGHTS

- **Rights and freedoms**
- **Legal effect**
- **International status**
- **Limitations**



UNIVERSAL DECLARATION

Rights and Freedoms

- **Civil & political-- Arts. 1-21**
- **Economic, social & cultural-- Arts. 22-27**
- **Equality**



UNIVERSAL DECLARATION

Legal Effect

- **Adopted by General Assembly in 1948**
- **Resolution vice treaty**



UNIVERSAL DECLARATION

International status

- **Interpretation of UN charter**
- **Customary international law**
- **General principle of law**
- **Unique moral & normative status**

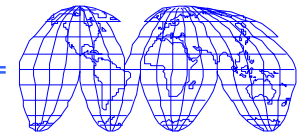


UNIVERSAL DECLARATION

Limitations

- **The exercise of rights and freedoms may be limited by law for the purpose of:**

“meeting the just requirements of morality, public order and the general welfare”--- Art. 29



COVENANTS ON HUMAN RIGHTS

- **International Covenant on Civil & Political Rights, 999 U.N.T.S. 171**
 - “C. P. Covenant”
- **International Covenant on Economic, Social & Cultural Rights, 993 U.N.T.S. 3**
 - “E.S.C. Covenant”



THE “C.P.” COVENANT

- **Entered into force 23 Mar 1976**
- **More and less rights specified than in Universal Declaration**
- **Derogation clause**
- **Enforcement mechanisms**
 - **Optional protocols**



OPTIONAL PROTOCOLS to C.P. COVENANT

- **Protocol 1**
 - **Individual victim complaints to HRC**
- **Protocol 2**
 - **Abolition of death penalty**
 - **Extends jurisdiction of HRC**



THE “E.S.C.” COVENANT

- **Entered into force 3 Jan 1976**
- **More comprehensive list of rights than Universal Declaration**
- **Progressive implementation**
- **Limited enforcement mechanisms**



INTERNATIONAL CRIMINAL TRIBUNALS

- **Nuremberg and Tokyo trials**
- **International Tribunal for the former Yugoslavia**
 - **Genocide in Rwanda**



OTHER MAJOR HUMAN RIGHTS TREATIES

- **Convention on the Prevention and Punishment of the Crime of Genocide**
- **International Convention on the Elimination of All Forms of Racial Discrimination**
- **Convention on the Elimination of All Forms of Discrimination Against Women**
- **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment**



REGIONAL SYSTEMS to PROTECT HUMAN RIGHTS

- **American Convention on Human Rights**
- **African Charter on Human and Peoples' Rights**
- **European Convention for the Protection of Human Rights and Fundamental Freedoms**